

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI, EASTERN DIVISION**

ASHLEY GONZALES,)	
)	
Plaintiff,)	Case No. 4:20-cv-01876
)	
vs.)	
)	JURY TRIAL DEMANDED
O'FALLON CASTING COMPANY,)	
)	
Defendant.)	
)	
)	

NOTICE OF REMOVAL OF CIVIL ACTION

TO THE CLERK AND JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI, PLAINTIFF ASHLEY GONZALEZ AND HER ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that Defendant O'Fallon Casting, LLC (hereinafter "Defendant" or "O'Fallon Casting") hereby removes the above-entitled action, Case No. 2011-CC01109, from the Circuit Court of the County of St. Charles, State of Missouri, to the United States District Court for the Eastern District of Missouri, Eastern Division, pursuant to 28 U.S.C. §§1331, 1441, and 1446.

Defendant O'Fallon Casting, by and through its attorneys, Harris, Dowell, Fisher & Young, L.C., states the following as grounds for removal of the above-captioned action:

1. On November 20, 2010, Plaintiff instituted Civil Action No. 2011-CC01109 against Defendant O'Fallon Casting in Division 5 of the Circuit Court of the Eleventh Judicial Circuit, St. Charles County, State of Missouri, by filing a Petition for Damages. Defendant O'Fallon Casting was served December 2, 2020, by service on Susan Boyle, Chief Financial Officer and HR Manager, and received a copy of the Summons and Petition, a copy of which documents is attached

hereto and marked Exhibit A. Pursuant to 28 U.S.C. §1446(a), the attached Exhibit A constitutes all process, pleadings and orders served upon Defendant or filed or received in this action by Defendant O’Fallon Casting.

2. Pursuant to 28 U.S.C. §1446(b) this Notice of Removal is timely filed as it is filed within thirty (30) days after Defendant was served on December 2, 2020, and within one year after commencement of this action.

Federal Question Jurisdiction

1. Under 28 U.S.C. Section 1441(a), any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

2. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1331, and is one which may be removed by Defendant pursuant to the provisions of 28 U.S.C. §1441, in that it arises under the Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e, *et seq.*, and the Americans with Disabilities Act, 42 U.S.C. §§ 12101 *et seq.*

3. Defendant seeks to remove this case to the United States District Court for the Eastern District of Missouri, on the basis of federal question jurisdiction.

4. A copy of this Notice of Removal of Civil Action is being filed with the Clerk of the Eleventh Judicial Circuit Court of St. Charles County, State of Missouri and written notice will be given to Plaintiff’s counsel, Kevin Kasper and Ryan Schellert of the Kasper Law Firm.

WHEREFORE, Defendant prays that this Court will make the proper orders to affect the removal of this cause from the Circuit Court of the Eleventh Judicial Circuit, St. Charles County, Missouri, to this Court.

Respectfully submitted,

HARRIS DOWELL FISHER & YOUNG, L.C.

By: /s/ Fred A. Ricks, Jr.

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on December 29, 2020, the foregoing document was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system on all counsel of record, and sent by electronic mail to:

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/s/ Fred A. Ricks, Jr.